



San Joaquin River Group

- Modesto Irrigation District
- Turlock Irrigation District
- South San Joaquin Irrigation District
- San Joaquin River Exchange Contractors

P.O. Box 4060
Modesto, CA 95352
(209)526-7405
(209)526-7315-Fax

- Merced Irrigation District
- Oakdale Irrigation District
- Friant Water Authority
- City and County of San Francisco

VIA EMAIL: DeltaPlanComment@deltacouncil.ca.gov

June 24, 2011

Delta Stewardship Council
980 Ninth St. Suite 1500
Sacramento, California 95814

RE: Comments on the Fourth Draft and the CEQA Process

Dear Council Members:

The San Joaquin River Group Authority, along with other stakeholders submitted an Alternate Delta Plan to the Delta Stewardship Council ("Council") on June 10, 2011. The Alternate Plan is not simply a CEQA alternative proposed by consultants in order to satisfy a reasonable range of alternatives under the environmental review process – it is a comprehensive plan that was developed collaboratively by agencies inside, outside, up and downstream of the Delta, which together provide water to the vast majority of California's urban and agricultural water users. The Alternate Plan sets forth a legally defensible plan that will further the coequal goals with stakeholder support. We encourage the Council to look to this Alternate Plan to develop the preferred project for environmental review.

The fourth staff draft of the Delta Plan ("Fourth Draft") has improved from the previous drafts. However, the Fourth Draft continues to suffer from the same fundamental problems that plagued previous drafts: it includes regulatory action beyond the authority provided in the Delta Reform Act and is overly focused on regulating water flow as the single factor to fix the Delta.

Specifically, the most fundamental problems that persist in the Fourth Draft include:

Covered Actions: The Fourth Draft still includes convoluted and confusing language that results in the expansion of Council authority beyond the intent of the Delta Reform Act.

Flow Regulation: The Fourth Draft still includes policies related to the State Water Resources Control Board's regulation of flow that (a) are beyond the legal authority of the Delta Plan, (b) place the Council in a super-regulatory role, (c) create an unrealistic time frame, and (d) are inconsistent with the regulatory requirements that control in-stream and Delta flow objectives.

Geographic Scope: The Fourth Draft reaches beyond the geographic scope allowed by the Delta Reform Act and includes policies and recommendations that attempt to control upstream actions beyond the authority provided by the Delta Reform Act.

The San Joaquin River Group Authority urges the Council to direct its staff to remedy these problems at its June 23 and 24, 2011 meetings, before the fifth draft and draft environmental impact report are released.

Sincerely,



ALLEN SHORT
COORDINATOR

C: SJRG

June 9, 2011